

May 31, 2005

Response to February 3, 2005 Office Action

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Amendments for the Figures

Appended here is Replacement Sheet Figure 1, which amends Figure 1 as requested by the Examiner to point out a recess for a gas lever 22.

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

By the above amendments, we have amended the specification to include a description of the recess for a gas lever, now specified in replacement Figure 1 as element 22. Support for this amendment is found in original claim 11. We have also amended the specification to correct several typographical errors as requested by the Examiner. We have amended claims 12-14 and 17-19 to clarify the invention. Claim 12 clarifies that the handle comprises a handle portion positioned on the user side and a foot portion positioned on a bottom side of the handle. This is supported by the Figures. Claim 13 is amended to correct a typographical error. Claim 14 is to clarify that inner handle wall runs around an opening in the handle, not the handle portion. Claim 17 is amended to clarify a smaller tank half shell. This is supported by the description at page 2, lines 26 et seq. and page 4, lines 1-5. Claim 18 is amended to correct a typographical error. Claim 19 is amended to clarify that the first fastening means covers the foot portion of the handle on the bottom side, and the second fastening means covers the handle portion on the user side of the handle.

No new matter is introduced by any revision to the specification, Figure 1 or claims, and entry is requested. By entry of this amendment, claims 12-23 will still be pending.

In the February 3, 2005 Office Action, the Examiner stated that he has found the subject matter of claims 17, 18, 20, 22 and 23 patentable over the prior art, and would be allowed if a few non-substantive formal objections were addressed. These are believed to be addressed in the amendments above.

The Examiner objected to the drawings as failing to show every feature of the invention specified in the claims. Specifically, the Examiner is requested that we point out and label in the drawings the smaller tank shell (cited in claim 17) and the recess for a gas lever (cited in claim 23). Regarding the smaller tank shell, as indicated on page 4, lines 2-4 of the specification, this element is not shown in the figures. However, it is adequately described on page 2 lines 25-28 and page 4, lines 2-4, as well as original

claim 5. We submit that a specific drawing of it is unnecessary to meet the description requirements.

Regarding the recess for a gas lever, we have amended the specification and Figure 1 to indicate this as requested by the Examiner.

The Examiner has objected to the specification and claims for several informalities, which we have addressed in the amendments above.

Claims 17 and 19-22 were rejected under 35 U.S.C. §112, second paragraph. Certain language in claims 17, 19 and 21 is objected to as indefinite. In response, we have clarified the language of independent claim 12, and dependent claims 17 and 19. Claim 21 is believed clarified by these amendments. In particular, we note that it is important to distinguish between the handle 1, the handle portion 2 facing the user (where the user grasps) and the foot portion 3 on the bottom (on which the user steps when starting up the tool). As described on page 3, line 26 of our specification the handle 1 comprises the separate elements of the handle portion 2 and the foot portion 3. The inner handle wall 12 runs around the handle opening 13 arranged vertical to the longitudinal direction of the tool (see page 4, line 11 of the specification). With the above amendments, we have addressed the Examiner's concerns and withdrawal of this rejection is believed to be in order.

Claims 12, 13, 19 and 21 are rejected under 35 U.S.C. §102(b) as anticipated by Grossmann et al. (U.S. Patent No. 4,856,195). We respectfully submit that the Examiner has misinterpreted our invention. Regarding the Grossmann patent, the Examiner has mistaken the half-shells 1a and 1b of the housing for the upper handle shell that is referred to in our claims. Our upper handle shell is a completely different component than the Grossmann item, more like an "outer" handle shell than Grossmann's. In the above amendments addressing the §112, second paragraph objections of the Examiner, the distinctiveness of our handle shells and other components are clear. Reconsideration and withdrawal of this rejection are requested.

Lastly, claims 14-16 are rejected under 35 U.S.C. §103(a) as obvious over Grossmann et al. (U.S. Patent No. 4,856,195) in view of Siede et al. (U.S. Patent 4,964,217). Having distinguished independent claim 12, from which claims 14-16

ultimately depend, from Grossmann et al., claims 14-16 are believed patentable over anything taught by Grossmann alone or in combination with Siede et al. Reconsideration is requested.

In summary, the two U.S. patents cited by the Examiner do not teach, make obvious, or suggest our hand-operated tool as claimed. All of the Examiner's outstanding art rejections have been addressed, and the application is believed to be in allowable form. Notice to that effect is earnestly solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein, and no amendment made was for the purpose of narrowing the scope of any claim unless we argued above that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner has any questions or would like to make suggestions as to claim language, he is encouraged to contact Marlana K. Titus at (301) 977-7227.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marlana K. Titus', with a stylized flourish at the end.

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